

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

JESSICA JOHNSON, *on behalf of* )  
*Herself and All Others Similarly* )  
*Situated,* )

Plaintiffs, )

Case No.: 1:20-CV-1049-WO-JLW

v. )

PALMS ASSOCIATES, LLC and )  
DURHAM MEWS, LLC f/k/a )  
DURHAM SECTION I )  
ASSOCIATES, L.L.C., )

Defendants. )

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**JOINT MOTION REQUESTING STATUS CONFERENCE**

Plaintiff Jessica Johnson (“Plaintiff”) and Defendants Palms Associates, LLC and Durham Mews, LLC f/k/a Durham Section I Associates, L.L.C. (“Defendants”), through counsel, jointly request input and guidance from the Court in this matter. In support hereof, the parties respectfully show:

1. Plaintiff’s Complaint alleges Defendants charged her “Eviction Fees” in violation of, *inter alia*, the North Carolina Residential Rental Agreements Act (“RRAA”), N.C. Gen. Stat. § 42-46.

2. On January 22, 2021, Plaintiff filed a Motion for Partial Judgment on the Pleadings with supporting Memorandum [DE 17, 18), to

which Defendants filed Opposition on February 12, 2021 [DE 20]. Plaintiff filed a Reply on March 25, 2021 [DE 25].

3. On June 23, 2021, the North Carolina General Assembly passed Session Law 2021-71, which amends RRAA § 42-46. Session Law 2021-71 became law on July 2, 2021.

4. On July 7, 2021, Defendants filed their Suggestion of Subsequently Decided Authority, attaching Session Law 2021-71. [DE 29]

5. The parties disagree about the effect of Session Law 2021-71 on this case and have discussed moving for permission to file supplemental memoranda regarding their positions on the impact of Session Law 2021-71 on Plaintiff's Motion [DE 17], and Defendants also plan to file a Motion for Judgment on the Pleadings. The parties anticipate that the same or similar arguments will be made in any supplemental briefing on Plaintiff's Motion [DE 17] and in connection with any Motion for Judgment on the Pleadings filed by Defendants. The parties have discussed a single round of briefing, but would like the Court's guidance.

6. Counsel for the parties have conferred and, mindful of the importance of judicial economy, seek the Court's input on the most efficient way to proceed. To that end, the parties respectfully request a telephonic or video conference or, if the Court would prefer, an in-person status conference.

7. Counsel for the parties are available for such a conference on August 4, 5, 9, 10 or 11.

WHEREFORE, Plaintiff and Defendants request a status conference with the Court for guidance in connection with the above matters.

This the 23<sup>rd</sup> day of July, 2021.

/s/ Karl S. Gwaltney

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2021, I electronically filed the foregoing *Joint Motion* with the Clerk of Court using the CM/ECF, which will send notification of such filing to the following:

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